

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff

v.

Gilberto LEYVA PEREA
AKA: Adrian MEJIA

Magistrate Docket No. _____

08 MJ 0190

COMPLAINT FOR
VIOLATION OF:
TITLE 18 U.S.C. § 1544
Misuse of Passport

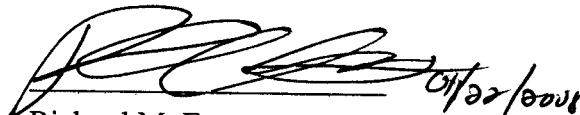
FILED
08 JAN 22 AM 11:49
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

The undersigned complainant, being duly sworn, states:

On or about January 18, 2008, within the Southern District of California, defendant Gilberto LEYVA PEREA did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting photo-subbed US passport number 701836341, issued in the name Adrian MEJIA, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not Adrian MEJIA, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport.

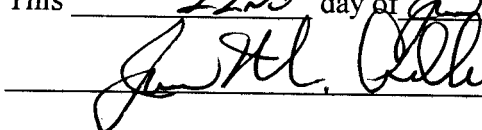
All in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me
This 22nd day of January, 2008.



UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Richard Michael Escott, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Senior Special Agent (SSA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for eight years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.
2. During the performance of my duties, I have obtained evidence that Gilberto LEYVA PEREA, aka: Adrian MEJIA used the passport issued for the use of another. This Affidavit is made in support of a complaint against DEFENDANT for violation of Title 18, U.S.C., Section 1544, Misuse of a Passport.
3. On 01/18/2008, at approximately 0700 hours, DEFENDANT presented himself to a Department of Homeland Security, Customs and Border Protection (CBP) Officer at the pedestrian lines of the San Ysidro Port of Entry, to apply for admission into the United States. DEFENDANT identified himself with photo-subbed US Passport number 701836341, bearing the name Adrian MEJIA, DPOB 10/11/1976, California, and a photograph of DEFENDANT. DEFENDANT was referred for secondary inspection.
4. On 01/18/2008, the Affiant was advised by a CPB Officer at the San Ysidro POE that DEFENDANT had been detained at the secondary inspection area of the San Ysidro POE.
5. On 01/18/2008, at approximately 1820 hours, DEFENDANT was retrieved from a cell in the Port Enforcement Team area and was brought to an interview room. The Affiant, assisted by a CBP Officer obtained consent from DEFENDANT to have his interview audio and video taped. DEFENDANT read his Miranda warning aloud in Spanish from a written copy. He indicated that he understood and waived his right to counsel. He admitted that his true name was Gilberto LEYVA PEREA, DPOB, 12/12/1975, Sonora, Mexico. He stated that he was a citizen of Mexico and not a citizen of the United States. DEFENDANT admitted that he provided a smuggler with photographs of himself to be placed in a false passport. Then DEFENDANT paid the smuggler \$500 for the false US Passport bearing the name Adrian MEJIA and the photograph of DEFENDANT.
6. DEFENDANT admitted to using the false passport, to apply for entry into the US on 01/18/2008, at the Ysidro Port of Entry. DEFENDANT said that he had previously been living illegally in the United States. He admitted knowing that it was illegal use a US Passport in the name of another and to falsely claim to be a US Citizen. DEFENDANT made a recorded oral confession as to his true identity and to elements of the charge.

On the basis of the facts presented in this probable cause statement consisting of 2 pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offenses on 01/18/2008 - in violation of Title 18, United States Code, Section 1544: Misuse of a passport - when he knowingly and willfully used the passport belonging to another, Adrian MEJIA, knowing that it was not issued or designed for his use, in order to gain admission into the United States.



Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service


UNITED STATES MAGISTRATE JUDGE

1/19/08 @ 5:42 p.m.
DATE/TIME

CONTINUATION RE:**CRIMINAL HISTORY:**

08/09/2000 – ARREST; US Border Patrol, Present Without Authorization. DISPOSITION: Unknown (presumably voluntarily removed from the US).

08/11/2000 - ARREST; US Border Patrol, Present Without Authorization. DISPOSITION: Unknown (presumably voluntarily removed from the US).

08/13/2000 - ARREST; US Border Patrol, Present Without Authorization. DISPOSITION: Unknown (presumably voluntarily removed from the US).

03/26/2001 - ARREST; US Border Patrol, Present Without Authorization. DISPOSITION: Unknown (presumably voluntarily removed from the US).

12/24/2001 - ARREST; US Border Patrol, Present Without Authorization. DISPOSITION: Unknown (presumably voluntarily removed from the US).

03/02/2002 - ARREST; US Border Patrol, Present Without Authorization. DISPOSITION: Unknown (presumably voluntarily removed from the US).

04/02/2002 - ARREST; US Border Patrol, Present Without Authorization. DISPOSITION: Unknown (presumably voluntarily removed from the US).

04/10/2002 - ARREST; US Border Patrol, Present Without Authorization. DISPOSITION: Unknown (presumably voluntarily removed from the US).

04/11/2002 - ARREST; US Border Patrol, Present Without Authorization. DISPOSITION: Unknown (presumably voluntarily removed from the US).

04/16/2002 - ARREST; US Border Patrol, Present Without Authorization. DISPOSITION: Unknown (presumably voluntarily removed from the US).

01/26/2003 – ARREST; San Diego Sheriff's Office, Driving Under the Influence – Alcohol/Drugs; Driving without a License. DISPOSITION: Unknown.

07/09/2006 – ARREST; San Diego Sheriff's Office, Driving Under the Influence. DISPOSITION: Unknown.

01/24/2007 – ARREST; US Customs and Border Protection, Misuse of Passport. DISPOSITION: Unknown (presumably voluntarily removed from US).